

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**WESTERN DIVISION**

**U.S.A. vs. Benjamin A. Hamilton**

**Docket No. 5:13-MJ-2044-1**

**Petition for Action on Probation**

COMES NOW Eddie J. Smith, probation officer of the court, presenting a petition for modification of the Judgment of Benjamin A. Hamilton, who, upon an earlier plea of guilty to 18 U.S.C. § 13, assimilating N.C.G.S. 20-138.1, Driving While Impaired (Level 5), was sentenced by the Honorable William A. Webb, U.S. Magistrate Judge, on March 11, 2014, to a 12-month term of probation under the conditions adopted by the court.

As a result of committing the offense of Driving While License Revoked (14CR712393) in Cumberland County, NC, on June 23, 2014, the court modified the conditions of probation on June 27, 2014, to include an additional 16 hours of community service work.

As a result of committing the offense of Driving While License Revoked (14CR717277) in Cumberland County, NC, on August 29, 2014, the court modified the conditions of probation on September 15, 2014, to include 30 days of home detention with electronic monitoring.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The defendant's term of supervision is due to expire on March 10, 2015. He has completed all the conditions of supervision except the recommended driving while impaired substance abuse classes. He was scheduled to complete these classes just prior to his expiration date. Due to the recent inclement weather conditions, several classes have been canceled which will delay his completion of the course. As a result, we are recommending that the term of supervision be extended for a period of one month to allow the defendant ample time to complete this obligation.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that probation be modified as follows:

The term of supervision shall be extended for a period of 1 month to the new expiration date of April 10, 2015.

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Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert K. Britt  
Robert K. Britt  
Senior U.S. Probation Officer

/s/ Eddie J. Smith  
Eddie J. Smith  
U.S. Probation Officer  
310 Dick Street  
Fayetteville, NC 28301-5730  
Phone: (910) 483-8613  
Executed On: February 25, 2015

**ORDER OF COURT**

Considered and ordered this 25th day of February, 2015, and ordered filed and made a part of the records in the above case.

  
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James E. Gates  
U.S. Magistrate Judge